



**STATE OF MONTANA
MONTANA DEPARTMENT OF TRANSPORTATION
JOB PROFILE**

☐

Update

☐

Formal Review

Date Submitted _____

SECTION I - Identification

Working Title:

Compliance Specialist

Department:

Transportation

Job Code Number: 131415

Division & Bureau:

Engineering Division
Right of Way Bureau

Job Code Title:

Compliance Specialist

Section & Unit:

Acquisition Section

Pay Band: 5

Work Address:

2701 Prospect Avenue
Helena, MT 59620

Position Number: 60023, 60221

Phone: 406-444-6074

☐

FLSA Exempt

☒

FLSA Non-Exempt

☐

Non-Union

☒

MPEA

☐

Blue Collar

Profile Completed By:

Rob Stapley
Right of Way Bureau Chief

Work Phone: 406-444-6063

Work Unit Mission Statement or Functional Description:

The Montana Department of Transportation's (MDT) mission is to serve the public by providing a transportation system and services that emphasize quality, safety, cost effectiveness, economic vitality and sensitivity to the environment.

The Engineering Division prepares projects for bidding and coordinates highway construction. The Division is made up of the Materials, Construction, Construction Engineering Services, Research, Legal, Right of Way, Bridge, Traffic and Safety, Consultant Design, and Highways bureaus; the Engineering Information section; and five District Construction Offices in Missoula, Butte, Great Falls, Glendive, and Billings for budget and workforce purposes.

The Right of Way Bureau (ROW) acquires land for transportation projects and administrative needs. It also provides assistance and payments to individuals and businesses relocated by highways; designs the right of way; and arranges for utilities relocation that conflict with highway construction.

The Acquisition Section within ROW is responsible for the management of the real estate acquisition function of MDT, including development of policies, procedures, and special instructions needed to carry out the Real Estate Acquisition and Relocation Programs; provide professional acquisition and engineering advice and technical assistance to staff and fee acquisition agents working under contract with ROW; review all negotiations performed by staff and fee acquisition agents to ensure that they conform to MDT and Federal Highways Administration (FHWA) standards, are factually correct, meet legal requirements, and accurately reimbursed the value of the property to be acquired and any loss in value to the remainder property; make decisions or determinations as to the amount of compensation that MDT should settle on payment for each parcel of property to be acquired. This Section is responsible for developing MDT's acquisition policies, procedures, and guidelines; providing technical education and assistance for development of staff; and contracting with fee acquisition agents for acquisition and relocation services.

Describe the Job's Overall Purpose:

This position ensures compliance with the Right of Way Manual policies and procedures, MOM Volume I, Montana Codes Annotated (8-14) and the Codes of Federal Regulations 23 and 49. The actions taken by the incumbent affect the overall function of the Department, primarily compliance to assure continuing federal funding for construction projects. The position reports to the Acquisition Section Manager and does not supervise other agency personnel.

<i>SECTION II - Major Duties or Responsibilities</i>		<i>% of Time</i>
A.	<u>AUDIT AND COMPLIANCE REVIEW</u>	40%
1.	Performs comprehensive audits of acquisition packets to ensure MDT staff and acquisition consultants conform within laws, regulations, and MDT policies. Reviews complex right of way agreements, legal settlements and condemnations, and contracts; audits payments to close real estate transactions; ensures legal documents, deeds, easements, right of way agreements and histories conform to right of way policies and standards; and notifies the appropriate staff with recommendations to correct any deficiencies to ensure MDT has clear title or interest in acquired land. Ensures that parcel file contains appropriate documentation and justification for all settlements that exceed the Review Appraiser's determination of value.	
2.	Prepares project right of way certifications for scheduled bid lettings by generating reports from Oracle project tracking system, reviewing parcel files including legal settlements and condemnations, and contacting district right of way supervisors and staff to ensure all acquisitions and relocation activities have been completed, all acquired improvements have been removed from the right of way, all liens have been addressed, and MDT has possession or ownership of all right of way.	
3.	Performs comprehensive audit of parcels settled by Legal Services to ensure the parcel file contains documentation of possession or ownership of the required property, documentation that settlements have been justified and approved, and documentation that payments or court deposits have been processed in accordance with the terms and conditions of the settlement or court order. This requires extensive knowledge of accounting policy and procedures promulgated by State and Federal laws.	
4.	Oversees the detailed Project Closing Reviews on each parcel to determine all terms of the right of way agreement were complete. Reviews documents to ensure clear title was obtained, all payments were made, liens were released, deeds and/or easements were recorded, original right of way agreements and any supplemental agreements were signed and dated, and any land owner damage claims were resolved. For condemnation files, ensures Legal Acquisition	

Reports, attorney Reports of Possession, and other legal documents are on file and recorded. Queries Oracle to determine if any parcels are open, audits them to determine the necessary actions to close them, and initiates corrective action to resolve open issues.

5. Completes Form 1434, the annual acquisition and relocation statistics report for FHWA, by verifying that accurate and appropriate documentation is contained in the negotiated, administrative, legal, and condemnation settlements to assure compliance for Federal participation.
6. Responsible for ensuring all entries in the 1099S system are accurate and correct. This is accomplished by comparing the entries in the 1099S system to the payments entered into the SABHRS system and by ensuring that the entries meet the eligibility criteria as outlined in the IRS 1099S Requirements. Also responsible for coordinating with appropriate IT Staff to print and mail the 1099S forms by the required deadlines and to complete and submit the 1099S tape to the IRS by the required deadline.
7. Responsible for auditing and reviewing data entered in Oracle Project/Parcel Tracking System to ensure appraisal and review entries are correct and accurate in relation to the parcel acquisition packet.

B. ACQUISITIONS 40%

1. Performs technical duties in managing MDT acquisition records; processes payments for land, acquired improvements, special assessments and miscellaneous right of way expenses; and maintains land acquisition statistics in the Project Parcel Tracking System and the Land Acquisition Statistics Systems in Oracle.
2. Responsible for ensuring MDT obtains clear title to all acquired properties by clearing and releasing all liens on the properties. This requires researching and analyzing any existing liens, preparing the lien releases, securing signatures from lending institutions, processing payments for lien releases and associated fees, and ensuring releases are recorded in the appropriate County.
3. Responsible for processing all claims in the Accounts Payable System in Oracle for payment and expenditures including, but not limited to, right of way acquisition costs, including related private contractor costs, inter agency costs, Outdoor Advertising Control, damage claims, relocation costs, utility costs, corrective title examinations, recording costs, surveys, property taxes and assessments, court deposits, land exchanges and settlement charges that may arise. Claims must be accurately coded to corresponding expenditure accounts using extensive knowledge of state accounting policies and procedures and Cost Coding Manual.
4. Responsible for researching, analyzing, determining the validity of, and resolving claims for payment received from lending institutions, title companies, private landowners, and various local, county, state, and federal agencies. Ensures duplicate payments are not made.
5. Responsible for processing condemnation packets by preparing and sending final offer letters as required; requesting the Right of Way Plans Section to update the exhibits, deeds, and plans and to order litigation guarantees from title companies; prepares statement describing need for legal action; prepares condemnation order for Preconstruction Engineer approval; and transmits condemnation package to Legal Services for legal action. Ensures applicable legal entries are entered into Oracle project tracking system.

6. Makes recommendations for and assists with the development of Acquisition policies, procedures, and instruction manuals. Consults with Right of Way staff, Legal staff, and Accounting staff regarding interpretation and application of policies and procedures relating to Acquisitions.
7. Responsible for ensuring all qualified entries are made on the 1099S Entry screen in Oracle by ensuring all entries meet the eligibility criteria as outlined in the IRS 1099S Requirements.
8. Responsible for ensuring that all Oracle Project/Parcel Tracking System entries are accurate and correct, for completing the final RSS entries to close the parcels in the Project Parcel Tracking System, and entering appropriate information into the Land Acquisition Statistics and 1099S Systems.
9. Works with Accounting personnel to complete quarterly payment reviews to ensure all payments comply with State and Federal accounting policy and procedures and the Cost Coding Manual.
10. Recommends improvements to and tests changes made to the Project/Parcel Tracking System, the Land Acquisitions Statistics System and the 1099S Systems in Oracle. Consults with Right of Way staff, Legal staff, IT staff and Accounting staff to ensure business process requirements and deadlines are met.

C. RECORDS MANAGEMENT 15%

1. Responsible for managing all acquisition records. This includes overseeing the parcel files, financial records, and the electronic document filing systems associated with all active acquisition projects.
2. Oversees the recording and filing of all acquisition and disposal documents with the County Clerk and Recorders, Secretary of State, irrigation districts, and numerous financial institutions.
3. Responsible for reviewing and recommending changes to the Records Management and the Acquisitions chapters of the right of way manual. Updates the Acquisitions Section procedure manual for audit, compliance, and records management functions for the acquisition files.
4. Reviews final title policies for accuracy by comparing the policy to the parcel's title commitment/Litigation Guarantee, parcel's right of way agreement and the parcel's document(s) such as a Bargain and Sale Deed, Highway Easement, or Judgment and Final Order of Condemnation.
5. Maintains right of way records including proofreading agreements and related documents; identifies discrepancies in historic records, active files, and electronic data, in order to issue official closing statements on all projects.
6. Generates various factual oral and written reports, research and data to accommodate requests by upper management & legislature concerning acquisition data.

D. OTHER DUTIES 05%

This position performs a variety of other duties as assigned by the Acquisition Section Manager, Operations Manager, and/or Right of Way Bureau Chief in support of the Department mission and Division objectives. This includes coordinating with consultants, agency staff, and the

public; coordinating special projects; participating in ongoing training and educational programs; and performing a variety of other duties as assigned.

The following duties and/or specific tasks listed under section II above are considered "essential functions" because they require specialized expertise and skill and are the primary reasons the job exists (they must be performed by this position with or without accommodations):

Duty A: Audit and Compliance Review
Duty B: Acquisitions
Duty C: Records Management

The following mental and physical demands are associated with these essential functions:

PHYSICAL

- Light lifting (less than 10 lbs.)
- Ability to travel through uneven terrain and/or active construction sites
- Remaining seated for extended periods of time, with occasional walking; standing; bending
- Travel within the state to project locations, and out of state travel by airline to national conferences and meetings.
- Operating a personal computer
- Communicate in writing, in person, and over the phone

MENTAL

- Deal with the public on a regular basis
- Ability to multi-task
- Demands for accuracy in all aspects of work
- Ability to meet inflexible deadlines
- Initiative and accountability
- Research and problem solving
- Computing arithmetic operations
- Comparing data
- Compiling information
- Prioritize
- Analyzing
- Coordinating
- Synthesizing
- Negotiating
- Instructing

Does this position supervise others? ☐ Yes ☒ No
Attach an Organizational Chart.

SECTION III - Minimum Qualifications - List minimum requirements for the first day of work.

Critical knowledge and skills required for this position:

KNOWLEDGE:

Extensive knowledge of real estate appraisal, including the principles of eminent domain, real estate law as it applies to land titles and transfer documents, appraisal and acquisition of real property for federal aid projects, and other program functions; contract monitoring, applicable state, federal,

AASHTO, and FHWA requirements and standards; technical and legal documentation standards; principles of negotiation and conflict management; and a working knowledge of land surveying, highway engineering and design and construction methods and materials.

SKILLS:

Ability to examine, interpret, and translate technical/legal information to varied audiences; ability to use standard office software applications (e.g., word processing, databases, etc.) analyzing and interpreting statistical information; negotiating consensus on land values and compensation amounts; explaining and defending MDT actions in legal proceedings and formal appraisal reviews; and managing and mediating confrontational or contentious situations with landowners, legal representatives, and others.

Behaviors required to perform these duties:

See MDT Core Behaviors

Education:

Check the one box indicating minimum education requirements for this position for a new employee the first day of work:

- | | |
|---|--|
| <input type="checkbox"/> No education required | <input type="checkbox"/> Related AAS/2-years college/vocational training |
| <input type="checkbox"/> High school diploma or equivalent | <input checked="" type="checkbox"/> Related Bachelor's Degree |
| <input type="checkbox"/> 1-year related college/voc. training | <input type="checkbox"/> Related Master's degree |

Please specify the acceptable fields of study:

Acceptable: Business Administration, Accounting, or a related field.

Experience:

Check the one box indicating minimum work-related experience requirements for this position for a new employee the first day of work:

- | | |
|--|--|
| <input checked="" type="checkbox"/> No prior experience required | <input type="checkbox"/> 3 years |
| <input type="checkbox"/> 1 year | <input type="checkbox"/> 4 years |
| <input type="checkbox"/> 2 years | <input type="checkbox"/> 5 or more years |

Other specific experience (optional):

Experience with SABHRS, CARES, and Oracle is preferred.

Alternative Qualifications:

This agency will accept alternative methods of obtaining necessary qualifications.

- ☒ Yes ☐ No

Alternative qualifications include: Equivalent combination of education and experience will be considered on a case by case basis.

SECTION IV – Other Important Job Information

- ☐ Fingerprint check
- ☐ Background check

- ☒ Valid driver's license
- ☐ Other; Describe

SECTION V – Signatures

Signature indicates this statement is accurate and complete.

Employee:

Name: _____ Title: _____

Signature: _____ Date: _____

Immediate Supervisor:

Name: _____ Title: _____

Signature: _____ Date: _____

Bureau Chief:

Name: _____ Title: _____

Signature: _____ Date: _____

Division/District Administrator:

Name: _____ Title: _____

Signature: _____ Date: _____

Department Designee:

Brent Rabe/Designee

Human Resources Administrator
Human Resources Division

Signature: _____ Date: _____